

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1438



Introduced by HONORABLE LUIS JOSE ANGEL N. CAMPOS, JR.

EXPLANATORY NOTE

It is undeniable that many Filipinos are poor. Most of our countrymen struggle just to be able to eat three meals a day, if any. An agonizing reality our fellow Filipinos who live below the poverty line is that even after death their poverty provide them and their families hardship.

There are numerous instances where funeral parlors and other similar funeral service providers refuse to release the bodies of the deceased until the embalming and other funeral expenses be paid. This results in bodies rotting away in said places until families are compelled to sell their belongings or result to crime. Such is the anguish faced by Filipinos who lose loved ones while living below the poverty line.

As a predominantly Catholic people with the exception of the Mindanao which practices Islam, the burial of the dead is sacred and important in order for a proper transition into the afterlife. The plight faced by our underprivileged countrymen whenever a loved one dies and his or her body is detained as security for payment should be removed by outlawing the detention of bodies in funeral homes. This bill seeks to provide such prohibition and impose punishment for those who would violate the same.

For the foregoing reasons, the early passage of this bill is earnestly sought.


LUIS JOSE ANGEL N. CAMPOS, JR.

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AN ACT
PROHIBITING THE DETENTION OF BODIES IN FUNERAL HOMES AND MORGUES
ON GROUNDS OF NON PAYMENT OF EMBALMENT OR ANY OTHER FUNERAL
SERVICES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled.

SECTION 1. It shall be unlawful for any morgue, funeral parlor, undertaker's or any other similar business that provides funeral services to detain or to otherwise cause, directly or indirectly, the detention of the bodies of the deceased from their surviving relatives or any other person taking responsibility for the body of the deceased for reasons of nonpayment in part or full, of any cremation, embalming or any other funeral services.

SEC. 2. Surviving relatives or persons taking responsibility for the body of the deceased and wish to bury the body but are financially incapable to settle, in part or in full, their funeral expenses, including embalming, autopsy and any other similar funeral expenses, shall be allowed to claim the body with issuance of all corresponding papers required for the release of the body upon the execution of a promissory note covering the unpaid obligation. The promissory note shall be secured by either a mortgage or by a guarantee of a co-maker, who will be jointly and severally liable with the relatives or responsible person(s) for the unpaid obligation.

SEC. 3. Any employee or person of the funeral home or morgue responsible for releasing bodies, who violates the provisions of this Act shall be punished by a fine of not less than Twenty thousand pesos (P20,000), but not more than Fifty thousand pesos (P50,000), or imprisonment of not less than one month, but not more than six months, or both such fine and imprisonment, at the discretion of the proper court.

SEC. 4. The Department of Health shall promulgate the necessary rules and regulation to carry out the provisions of this Act.

SEC. 5. If any provisions of this Act is declared void and unconstitutional, the remaining provisions hereof not affected thereby shall remain in full force and effect.

SEC. 6. All laws, decrees, orders, rules and regulation or pars thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 7. This Act shall take effect fifteen (15) days after its publication in two national newspapers of general circulation.

Approved,